

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

EVERETTE W. WALLACE                      §  
VS.    §          CIVIL ACTION NO.    1:05cv45  
S. GRAY, ET AL.                            §

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE’S REPORT AND RECOMMENDATION**

Petitioner Everett W. Wallace, a prisoner confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

The court ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends dismissing the petition without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2).

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

SIGNED at Beaumont, Texas, this 21st day of July, 2005.

Marcia A. Crone

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE

O R D E R

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.